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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/858,146 | 05/15/2001 | Lawrence Wilcock | B-4182 618805-0 | 2516 |

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EXAMINER

SHARMA, SUJATHA R

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| ART UNIT | PAPER NUMBER |
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2684

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,146

Applicant(s)

WILCOCK ET AL.

Examiner

Sujatha Sharma

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6. 6) ☐ Other: _____

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Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Independent claim 1 is objected to because of the informal style that does not spell out the method steps.

Examiner has interpreted the claim to read as follows:

A method of obtaining location data about a mobile entity for provision to a location sensitive application wherein:

- obtaining location updates periodically from a first source of location data about the mobile entity such that;
- the interval between updates is adaptively varied in dependence on the provision of location data about the mobile entity from at least one other source of location data.

Claim should be re-written in proper method format.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-9,12-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Taft [GB 2 339 356 A].

Regarding claims 1,14 Taft discloses a location detector system for remotely establishing the position or any change of position of a movable object. Taft further discloses a method of obtaining location updates from a first source of location data about the mobile object wherein the interval is varied in dependence on the provision of location data about the mobile object from one other source of location data. See Fig. 1; page 1, paragraph 4 ; page 2, paragraph 5 ; page 4, paragraphs 1,2,4,5.

Regarding claims 2,15, Taft further discloses a method wherein the first source of location data derives location data from a cellular network and one other source of data being short range location beacons and further the interval between updates from the first source being extended upon location data being received from a said location beacon. See Fig. 1; page 1, paragraph 4 ; page 2, paragraph 5 ; page 4, paragraphs 1,2,4,5.

Regarding claims 3-5 and 16-18, Taft discloses a method wherein the update interval increases with the speed of the moving object and therefore update interval is dependent on the accuracy of the location data received from at least one other source of location data. See page 4, paragraphs 1,2,4,5.

Regarding claims 6,19, Taft further discloses the update intervals to be a function of the motion of the mobile object. See page 4, paragraphs 1,2,4,5.

Regarding claim 8, Taft further discloses the frequency update interval to be further dependent on the current environment of the mobile object i.e. the frequency update increases as the object moves closer to an established boundary.

Regarding claims 7,9, Taft further discloses a method wherein the frequency of updates increases with velocity of the mobile object. See page 4, paragraphs 1,2,4,5.

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Regarding claim 12, Taft further discloses a method wherein the frequency of updates increases as the mobile object moves closer to the target location. See page 4, paragraphs 1,2,4,5.

Regarding claim 13, Taft further discloses the update interval to be dependent on motion of the mobile object and progress of the location sensitive application. See page 4, paragraphs 1,2,4,5.

5. Claims 1,14,8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Mannings [US 6,650,284].

Regarding claims 1,14, Mannings discloses a navigation information system. Mannings further discloses a method of obtaining location updates from a first source of location data about the mobile object wherein the interval is varied in dependence on the provision of location data about the mobile object from one other source of location data. See col. 1, lines 62-67, col. 3, lines 33-52, col. 4, lines 23-42 col. 10, lines 59-65, col. 11, lines 61-65, col. 15, lines 25-40.

Regarding claims 3-5 and 16-18, Mannings discloses a method wherein the update interval increases with the speed of the moving object and therefore update interval is dependent on the accuracy of the location data received from at least one other source of location data. See col. 15, lines 25-40

Regarding claims 8,9, Mannings further discloses the update interval to be dependent on the current environment of the mobile entity. See col. 15, lines 25-40.

Regarding claim 10, Mannings further discloses a method wherein the environment information is derived from a map having regard to the current location of the mobile entity. See col. 2, lines 28-35, col. 12, lines 20-35 and 65-67.

Regarding claim 11, Mannings further discloses a method where the update interval is dependent on the progress of the location sensitive application. See col. 2, lines 28-35, col. 12, lines 20-67.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller [6,662,108] Method and apparatus for improving a vehicle safety system using a transponder and GPS.

Schiff [US 6,539,200] Method and apparatus for paging a user terminal within a sweet spot of the satellite.

Rimer [US 5,432,841] System for locating and communicating with mobile vehicles.

Sundquist [US 6,675,014] Apparatus and associated method for updating a location register in a mobile packet radio communication.

Torkki [US 6,636,742] Tracking of mobile terminal equipment in a mobile communication system.

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Raith [US 6,625,457] Mobile terminal with location database.

Pirila [US 6,377,791] Method and system for identifying an illegal terminal in a cellular radio system.

Schultz [US 6,223,044] Adaptive location level.


Amirijoo [US 6,119,012] Method and system for dynamically and periodically updating mobile station location data in a telecommunication network.

Handforth [US 5,329,576] Wireless communication zone management system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Sujatha Sharma
January 13, 2004

